## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

TYLER SMITH, and		
SHERRI SMITH, as next friend	)	
to TANNER SMITH		
Plaintiffs,	)	
	)	
v.	) DOCKET NO. <u>3:10-CV-0084</u>	<u> </u>
	)	
PRUDENTIAL FINANCIAL, Inc. d/b/a	) JURY DEMAND	
THE PRUDENTIAL INSURANCE		
COMPANY OF AMERICA		
Defendant.	)	

## MOTION FOR ENTRY OF AGREED ORDER AND STIPULATION SUBSTITUTING THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AS THE PROPER DEFENDANT IN THIS MATTER

The parties move this Court for entry of the attached agreed order and stipulation substituting The Prudential Insurance Company of America for Prudential Financial Inc. d/b/a The Prudential Insurance Company of America as the proper defendant in this matter.

This motion should be granted because The Prudential Insurance Company of America was and is the proper identity of the entity that issued the insurance policy that is the subject of this litigation, not Prudential Financial, Inc. d/b/a The Prudential Insurance Company of America.

Further, the Court will retain jurisdiction because diversity of citizenship between the parties still exists. The Prudential Insurance Company of America is a New Jersey corporation, with its principal place of business located in the state of New Jersey.